

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

OHIOANS AGAINST CORPORATE  
BAILOUTS, LLC, *et al.*,

Plaintiffs,

v.

FRANK LAROSE, *et al.*,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:19-CV-4466

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

---

**MOTION FOR LEAVE TO FILE INSTANTER  
AMICUS BRIEF OF OHIOANS FOR ENERGY SECURITY, LLC  
OPPOSING PLAINTIFF'S OCTOBER 8, 2019,  
MOTION FOR TEMPORARY RESTRAINING ORDER**

---

Pursuant to S.D. Ohio Civ. R. 7.2(a), Amicus Curiae Ohioans for Energy Security, LLC respectfully moves for leave to file instanter the attached amicus brief (Exhibit A) in opposition to Plaintiffs' Motion for Temporary Restraining Order. As set forth in the attached brief, the Amicus Curiae's interests are directly adverse to those of Plaintiffs in the referendum petition drive that is the subject of the instant action. Further, Amicus Curiae is the direct or indirect target of a number of attacks and insinuations contained in Plaintiffs' motion.

In compliance with S.D. Ohio Rule 7.3(b), counsel for Amicus Curiae has consulted (via email) with counsel for the other parties to obtain consent to file the proposed amicus brief. Counsel for Defendants have indicated that Defendants have no objections to the filing of the amicus brief. Counsel for Plaintiffs informed counsel for Amicus that Plaintiffs would not decide whether or not to consent to the filing until after they reviewed the amicus brief.

A proposed order granting this motion is attached hereto as Exhibit B and will be submitted by email in Microsoft Word format to the Chambers of the Honorable Kimberly A. Jolson and the Honorable Edmund A. Sargus, Jr.

Respectfully submitted,

/s/ Donald C. Brey

Donald C. Brey (0021965)

*Trial Attorney*

ISAAC WILES BURKHOLDER

& TEETOR LLC

Two Miranova Place, Suite 700

Columbus, Ohio 43215-5098

Telephone: 614-221-2121

Facsimile: 614-365-9516

Email: dbrey@isaacwiles.com

*Counsel for Amicus Curiae*

### **CERTIFICATE OF SERVICE**

The foregoing was filed through the Court's electronic filing system, which will cause a copy of the foregoing to be served electronically on all counsel of record in this matter. No other persons were served.

/s/ Donald C. Brey

*Counsel for Amicus Curiae*

# EXHIBIT

# A

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

OHIOANS AGAINST CORPORATE  
BAILOUTS, LLC, *et al.*,

Plaintiffs,

v.

FRANK LAROSE, *et al.*,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:19-CV-4466

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

---

**AMICUS BRIEF OF OHIOANS FOR ENERGY SECURITY, LLC  
OPPOSING PLAINTIFFS' OCTOBER 8, 2019,  
MOTION FOR TEMPORARY RESTRAINING ORDER**

---

Donald C. Brey (0021965)

*Trial Attorney*

ISAAC WILES BURKHOLDER

& TEETOR LLC

Two Miranova Place, Suite 700

Columbus, Ohio 43215-5098

Telephone: 614-221-2121

Facsimile: 614-365-9516

Email: dbrey@isaacwiles.com

*Counsel for Amicus Curiae*

“It is not right to pervert the judge by moving him to anger or envy or pity - one might as well warp a carpenter’s rule before using it.” [Aristotle, Rhetoric, Book I, Chapter 1.]

Ohioans for Energy Security, LLC is concerned about protecting Ohio’s energy jobs and about the increasing degree of control of Ohio’s energy suppliers by the government of China and other foreign interests. Ohioans for Energy Security, LLC (hereinafter “OES”) has published and distributed informational advertisements expressing OES’s belief that Plaintiffs’ referendum petition is not in the interests of the citizens of Ohio. OES is also circulating a petition asking the Ohio general assembly to enact legislation to limit foreign control over Ohio’s energy resources and suppliers.

Much of the rhetoric in Plaintiffs’ Motion for a Temporary Restraining Order is more suitable to a political campaign than to a court of law. Ohioans for Energy Security, LLC, is the direct or indirect target of a number of attacks and insinuations contained in Plaintiffs’ Motion. OES does not wish to duplicate the more comprehensive arguments that it believes will be presented by counsel for Defendants herein. Rather, OES files this short Amicus Brief to correct four misstatements in Plaintiffs’ Motion.

**1. OES is engaging in legitimate and lawful petition activities.**

First, Plaintiffs mischaracterize the nature of OES’s petition activities. OES is petitioning the Ohio general assembly to encourage legislative action. A copy of the petition being circulated by OES is attached hereto as Exhibit 1. Demonstrating broad grassroots support for a policy concept is a common practice when groups advance a legislative initiative. OES is circulating a non-formal and non-binding call to action intended to show legislators that voters support our issue. To date, OES has collected over 400,000 signatures and plans to deliver these signatures to the Ohio General Assembly in the upcoming weeks.

Contrary to Plaintiffs’ bald accusations to the contrary, there is nothing misleading or dishonest about this type of organized effort to petition the government. Plaintiffs’ assertion that



OES has “falsely presented” its petition, is contrary to the truth. Indeed, Plaintiffs’ assertion is a dishonest political attack upon OES that has no place in a proper motion for a temporary restraining order.

**2. Unsubstantiated “rumors” and “reports” are not a proper basis for a TRO.**

Second, Plaintiffs discuss “reports” of alleged misconduct by groups supporting H.B. 6. However, “reports” or “rumors” are not facts. Brandon Lynaugh’s Declaration said that he was “made aware of” only two such incidents. Declaration of Brandon Lynaugh ¶ 24. In other words, out of the 1,175 paid managers, supervisors and circulators that Plaintiffs say they have disclosed, Plaintiffs have been “made aware” of two alleged improper incidents. (Plaintiffs’ Motion for Temporary Restraining Order p. 7).

Any claim or insinuation that OES has engaged in improper conduct is simply contrary to the truth. OES does not hire “blockers” and trains its circulators to avoid any such confrontation or misconduct. Indeed, OES has instructed its circulators not to circulate its petitions in locations where Plaintiffs are circulating their petitions.

Unfortunately, OES has learned that some of Plaintiffs’ circulators were being provided by Plaintiffs’ agents with copies of OES’s petitions and asked to circulate them by Plaintiffs’ agents. OES has no control over what Plaintiffs’ employees do while falsely purporting to be acting on behalf of OES.

OES understands that counsel for Plaintiff has been calling individuals to see if they have heard of the rumors of OES’s alleged misconduct. A partial transcript of one such call is attached as Exhibit 2. OES is not accusing Plaintiff’s counsel of misconduct in making such phone calls. But it is inevitable that the more people are asked if they have *heard* of a rumor, the more widely that rumor will be “reported.”

“Rumors” and “reports” can and should be disregarded in determining the merits of Plaintiffs’ motion.

**3. Form 15 filings serve a significant public interest.**

Third, there is a significant public interest in identifying who is being paid to circulate Plaintiffs' referendum petitions. States are not required to enable their citizens to legislate directly. But when they do, the citizens who sign the referendum or initiative petitions are acting as part of the legislative process and are entitled to exercise their legislative rights without being defrauded or coerced.

Particularly when circulators are transported in from out of state and paid per signature, there is a strong incentive by circulators to maximize the number of signatures obtained by fair means or foul. Disclosing who these paid individuals are will help the public know who is coming to their homes seeking signatures, and who is sending them there. For example, one of the individuals brought in by Plaintiffs to supervise their process was convicted of two counts of election fraud felonies. See Exhibit 3 attached hereto. Plaintiffs are asking this court to let them hire circulators who may be election fraud felons and worse without anyone knowing about it. In fact, as *Citizens United v. Federal Election Commission* (2010), 558 U.S. 310, 366-371 made clear, the right to pay for advocacy does not imply a right to do so anonymously.

**4. Disclosing paid circulators is not an onerous burden.**

Fourth, disclosing Plaintiffs' paid circulators is not an onerous burden – as Plaintiff Brandon Lynaugh testified to previously in *State ex rel. Steven Linnabary v. Husted*, Ohio Supreme Court Case No. 2014-0359. A copy of the Affidavit of Brandon Lynaugh that he filed in *State ex rel. Linnabary* is attached hereto as Exhibit 4.

John Doe #1 states at ¶ 25 of his Declaration herein that he “elected not to circulate” if his name would need to be disclosed. But he never says why. Is it because John Doe is a felon? Does John Doe have unpaid child support or another improper motive to conceal where he lives or that he has income? Is John Doe a leader of a hate group? We don't know, and the public doesn't know. But the mere fact that someone has a “wish and desire” not to publicly disclose that they are being paid by Plaintiffs does not make the burden of filing a Form 15 an onerous one.

WHEREFORE, Amicus Ohioans for Energy Security, LLC respectfully submits that Plaintiffs' Motion for a Temporary Restraining Order should be denied.

Respectfully submitted,

/s/ Donald C. Brey

Donald C. Brey (0021965)

*Trial Attorney*

ISAAC WILES BURKHOLDER

& TEETOR LLC

Two Miranova Place, Suite 700

Columbus, Ohio 43215-5098

Telephone: 614-221-2121

Facsimile: 614-365-9516

Email: dbrey@isaacwiles.com

*Counsel for Amicus Curiae*

**CERTIFICATE OF SERVICE**

The foregoing was filed through the Court's electronic filing system, which will cause a copy of the foregoing to be served electronically on all counsel of record in this matter. No other persons were served.

/s/ Donald C. Brey

*Counsel for Amicus Curiae*



Baggett

Baggett  
0001

**STOP FOREIGN OWNERSHIP OF OUR ELECTRIC GRID**

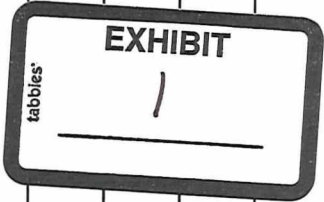
**We the People of Ohio**, in order to protect our electric grid and essential electrical service from interference by foreign governments and foreign interests, hereby petition the Ohio General Assembly to immediately enact legislation providing that specifies:

“No franchise, permit, license, or right to own, operate, manage, or control any electric generation, supply or distribution company shall be granted or transferred to any entity a majority of whose ownership or control is held by any foreign national, non-United States corporation or entity, or foreign government.”

Existing language of RC 4905.62 dealing with the PUCO that the above could be added:

“No franchise, permit, license, or right to own, operate, manage, or control any public utility which is an electric light company, gas company, water-works company, sewage disposal system company, or heating and cooling company shall be granted or transferred to any corporation not incorporated under the laws of this state.”

	Name	Signature	Address	City	Zip	Date
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						



Circulator Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Manager: \_\_\_\_\_

I, \_\_\_\_\_ swear under penalty of perjury that:

Circulator's Printed Name

I personally collected every signature on the front of this page. No other person other than myself collected any of the signatures I am turning in. I have not affixed my name to any signatures collected by any other person or entity. I affirm that to the best of my knowledge that each signer entered their information properly and correctly.

I swear that since entering into a contract with Ohioans for Energy Security, and until at least December 31, 2019, I will not collect signatures for any other initiative, petition or plebiscite in the state of Ohio without express written permission from Ohioans for Energy Security. I understand that if I have violated this or any other portion of the Exclusivity Agreement I signed: (1) I will be required to return any funds previously provided to me for signatures, (2) I will forfeit any funds otherwise due to me for signatures, (3) I will forfeit any claim to an ending bonus, and (4) I may also face other civil or criminal actions.

\_\_\_\_\_  
Circulator's Signature

\_\_\_\_\_/\_\_\_\_\_/2019  
Date

\_\_\_\_\_  
Manager's Signature

\_\_\_\_\_/\_\_\_\_\_/2019  
Date

PARTIAL TRANSCRIPT OF BRIAN SHRIVE/WESTON PHONE CALL

Hey, is this Weston?

May I ask who is speaking?

Yeah, hey Weston my name's Brian Shrive.

I'm an attorney with Finney law firm.

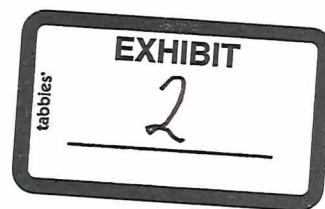
And we're working with the petition group,  
against the ballot, the bailouts, Ohioans Against Bailouts.

And Brandon Lynaugh has given me your contact information.

We're trying to kind of chase down all the rumors of the,  
you know, the blockers and the [unintelligible]

And we're hearing rumors about people offering to buy signatures from the  
petitioners,

And I just was wondering if you had heard anything about that.



Form for 35 Prescribed by Secretary of State (09/17)

### Statement of Receiving or Providing Compensation For Circulating a Statewide Issue Petition

A.C. 3107.091

Shawn Winiford  
Printed name of individual or entity

(Check ONE) ☐ receive compensation ☒ compensate an individual or entity  
for supervising, managing, or otherwise organizing an effort to obtain signatures for a

(Check and describe one)

☐ A statewide initiative to amend the Ohio Constitution  
(Describe the purpose)

☐ A statewide initiative to amend Ohio law  
(Describe the purpose)

☒ A statewide referendum on

☒ Entire Bill ☐ Selected Sections

The petition will be circulated for the with the expectation that the issue will be submitted to the electors at the election  
to be held on 3rd day of November 2020  
Month Year

I declare under penalty of election falsification that the statements above are true and accurate.

Shawn Winiford  
Printed name of individual or authorized signer for an entity

*Shawn Winiford*  
Signature of individual or authorized signer for an entity

9/20/2019  
Date

15541 N Park Ave  
Address

Eastpointe, MI 48021  
City, State, and Zip Code

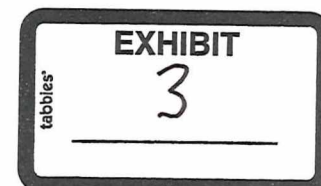
(585) 322-8429  
Telephone Number

sdw771562@hotmail.com  
Email

2019 SEP 24 PM 12:34

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Whoever fails to file this statement as required by section 3501.381 of the Ohio Revised Code is guilty of a misdemeanor first degree, and the petition for which a person was compensated for supervising, managing, or otherwise organizing





[Name List](#)
[Pleadings/Orders](#)
[Services](#)
[Main Menu](#)
[Logoff](#)

**Arlington County Circuit - Criminal Division**  
**Case Details**

<b>Case Number:</b> CR11000315-00	<b>Filed:</b> 03/28/2011	<b>Commenced by:</b> Direct Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> WILMOTH, SHAWN DOUGLAS	<b>Sex:</b> Male	<b>Race:</b> White Caucasian (Non-Hispanic)	<b>DOB:</b> 04/13/****
<b>Address:</b>			
<b>Charge:</b> ELECTION FRAUD	<b>Code Section:</b> 24.2-1016	<b>Charge Type:</b> Felony	<b>Class:</b> 5
<b>Offense Date:</b> 06/07/2010	<b>Arrest Date:</b>		

**Hearings**

#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	03/28/2011	9:30AM	Grand Jury					True Bill
2	03/28/2011	9:30AM	Capias					Bench Warrant - Defendant Arrested
3	05/12/2011	9:30AM	Appoint Counsel	10D				Continued
4	05/16/2011	9:30AM	Appoint Counsel	10D				Continued
5	05/17/2011	9:30AM	Appoint Counsel	10D				Continued
6	05/19/2011	9:30AM	Bond	10C				Withdrawn
7	07/05/2011	9:30AM	Motion - Other Pre-Trial	10D				Denied
8	07/05/2011	9:30AM	Motion - Other Pre-Trial	10D				Denied
9	07/11/2011	9:30AM	Jury Trial	10D		2 Day(s)	No	Continued
10	08/10/2011	9:30AM	Jury Trial	10D		2 Day(s)	No	Continued
11	09/20/2011	9:30AM	Plea	10D	Guilty			Sent

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 09/20/2011	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>



1/12/2016

Virginia Courts Case Information System

<b>Jail/Penitentiary:</b> Penitentiary	<b>Concurrent/Consecutive:</b> Sentence Is Run Consecutively With Another	<b>Life/Death:</b>
<b>Sentence Time:</b> 5 Year(s)	<b>Sentence Suspended:</b> 4 Year(s)8 Month(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b> \$0.00	<b>Costs:</b> \$2831.61	<b>Fines/Cost Paid:</b> Yes
<b>Program Type:</b>	<b>Probation Type:</b> Supervised	<b>Probation Time:</b> 3 Year(s)
<b>Probation Starts:</b> Probation To Begin Upon Release	<b>Court/DMV Surrender:</b>	<b>Driver Improvement Clinic:</b>
<b>Driving Restrictions:</b>	<b>Restriction Start Date:</b>	<b>Restriction End Date:</b>
<b>VA Alcohol Safety Action:</b>	<b>Restitution Paid:</b>	<b>Restitution Amount:</b> \$0.00
<b>Military:</b>	<b>Traffic Fatality:</b>	

**Appealed Date:**[Name List](#)[Pleadings/Orders](#)[Services](#)[Main Menu](#)[Logoff](#)

Build #: 3.6.32.7

[Name List](#)
[Pleadings/Orders](#)
[Services](#)
[Main Menu](#)
[Logoff](#)

**Arlington County Circuit - Criminal Division**  
**Case Details**

<b>Case Number:</b> CR11000316-00	<b>Filed:</b> 03/28/2011	<b>Commenced by:</b> Direct Indictment	<b>Locality:</b> COMMONWEALTH OF VA
<b>Defendant:</b> WILMOTH, SHAWN DOUGLAS	<b>Sex:</b> Male	<b>Race:</b> White Caucasian (Non-Hispanic)	<b>DOB:</b> 04/13/****
<b>Address:</b>			
<b>Charge:</b> ELECTION FRAUD	<b>Code Section:</b> 24.2-1016	<b>Charge Type:</b> Felony	<b>Class:</b> 5
<b>Offense Date:</b> 06/28/2010	<b>Arrest Date:</b>		

**Hearings**

#	Date	Time	Type	Room	Plea	Duration	Jury	Result
1	03/28/2011	9:30AM	Capias					Bench Warrant - Defendant Arrested
2	03/28/2011	9:30AM	Grand Jury					True Bill
3	05/12/2011	9:30AM	Appoint Counsel	10D				Continued
4	05/16/2011	9:30AM	Appoint Counsel	10D				Continued
5	05/17/2011	9:30AM	Appoint Counsel	10D				Continued
6	05/19/2011	9:30AM	Bond	10C				Withdrawn
7	07/05/2011	9:30AM	Motion - Other Pre-Trial	10D				Denied
8	07/11/2011	9:30AM	Jury Trial	10D		2 Day(s)	No	Continued
9	08/10/2011	9:30AM	Jury Trial	10D		2 Day(s)	No	Continued
10	09/20/2011	9:30AM	Plea	10D	Guilty			Sent

**Final Disposition**

<b>Disposition Code:</b> Guilty	<b>Disposition Date:</b> 09/20/2011	<b>Concluded By:</b> Guilty Plea
<b>Amended Charge:</b>	<b>Amended Code Section:</b>	<b>Amended Charge Type:</b>

<b>Jail/Penitentiary:</b>	<b>Concurrent/Consecutive:</b>	<b>Life/Death:</b>
---------------------------	--------------------------------	--------------------

1/12/2016

Virginia Courts Case Information System

Penitentiary	Sentence Is To Run Concurrently With Another	
<b>Sentence Time:</b> 5 Year(s)	<b>Sentence Suspended:</b> 4 Year(s)8 Month(s)	<b>Operator License Suspension Time:</b>
<b>Fine Amount:</b>	<b>Costs:</b>	<b>Fines/Cost Paid:</b>
<b>Program Type:</b>	<b>Probation Type:</b> Supervised	<b>Probation Time:</b> 3 Year(s)
<b>Probation Starts:</b> Probation To Begin Upon Release	<b>Court/DMV Surrender:</b>	<b>Driver Improvement Clinic:</b>
<b>Driving Restrictions:</b>	<b>Restriction Start Date:</b>	<b>Restriction End Date:</b>
<b>VA Alcohol Safety Action:</b>	<b>Restitution Paid:</b>	<b>Restitution Amount:</b>
<b>Military:</b>	<b>Traffic Fatality:</b>	

**Appealed Date:**[Name List](#)[Pleadings/Orders](#)[Services](#)[Main Menu](#)[Logoff](#)

Build #: 3.6.32.7

In the  
**Supreme Court of Ohio**

STATE, ex rel. STEVEN LINNABARY,

Case No. 2014-0359

Relator,

Original Action in Mandamus

vs.

Expedited Election Case

JON HUSTED, Ohio Secretary of State,

Respondent.

---

**AFFIDAVIT OF BRANDON LYNAUGH**

---

Brandon Lynaugh, being duly cautioned and sworn, deposes and states on personal knowledge as follows:

1. I am a partner in Strategic Public Partners, a governmental affairs firm located in Columbus, Ohio.

2. I have been involved in nine statewide issue campaigns in Ohio during the last fifteen years. In two of them, I was responsible for overseeing circulation of petitions to obtain the necessary voter signatures to place the issues on the ballot.

3. In the first, in 2006 we collected 700,000-800,000 elector signatures on petitions seeking a statewide constitutional amendment providing for a limited smoking ban ("Smoke-Less Amendment"). In the second, we collected approximately 900,000 elector signatures supporting the 2009 initiative to permit casinos in Cleveland, Columbus, Cincinnati and Toledo ("Casino Initiative").





4. In each of these two statewide campaigns, we hired circulators to solicit the thousands of signatures necessary to put these issues on the ballot. Although we undertook extensive efforts to train our paid circulators, we nonetheless, in each of the two campaigns, experienced significant paid circulator fraud in obtaining the elector signatures on the petitions they circulated.

5. This fraud included paid circulators “going through the phone book” and simply forging voter signatures and addresses. Indeed, in the 2006 campaign, we received multiple calls from county sheriffs and prosecutors concerning fraudulent signatures on the Smoke-Less Amendment campaign’s petitions.

6. Fraud is encouraged by the financial incentive for paid circulators to produce as many signatures as possible, in the shortest time possible, since the number of signatures produced is the basis for their compensation. The talent pool from which paid circulators is drawn consists primarily of people who do not otherwise have regular employment, so the economic incentive to falsify signatures is particularly strong among paid circulators.

7. Being concerned about the risk of paid circulator fraud, we undertook quality control mechanisms in both campaigns, providing circulator training as well as pre-filing review of each petition. The Boards of Election nonetheless found significant levels of disqualified signatures provided by the paid circulators.

8. In the statewide petition effort to put a referendum of the law banning Internet Cafés on the ballot in 2013, our Firm ran the opposition effort. Our field staff followed the paid circulators employed by the proponents as they were seeking signatures on petitions to put the issue on the ballot. In the course of our opposition oversight, we again discovered the paid circulators of the proponents “going through the phone book” and submitting false signatures. In



addition, we witnessed circulators outright lying to potential petition signers about the true nature of their petition. Indeed, of the approximately 433,000 signatures collected by the proponents' paid circulators, only approximately 37% were subsequently found to be valid by the various county Boards of Election. This was the lowest validation rate of any statewide petition effort of which I am aware.

9. In contrast to the significant risk of fraud by paid circulators, volunteer circulators have a high degree of reliability and integrity. They are not motivated by financial gain in the signature-gathering effort. I personally was involved in the first Romney campaign in 2008, in which more than 5,000 signatures were collected statewide by volunteer, unpaid circulators. The Romney campaign experienced no fraud in their petition circulation efforts and enjoyed a correspondingly high validation rate by the county Boards of Election.

10. Unpaid volunteer circulators are committed to the candidate or the proposal for which they are circulating petitions and are motivated to obtain valid signatures to assure their candidate or issue proposal actually makes it on the ballot. Paid circulators, on the other hand, are motivated to obtain the largest numbers of signatures possible, in the least time possible, in return for their relatively meager compensation. As such, in my experience, the paid circulators' temptation to cheat is disproportionately great as compared to volunteer circulators.

11. I am aware of R.C. 3501.38(E)(1)'s requirement for a circulator to identify the name and address of the person employing the circulator to circulate the petition. I have been sensitive to assuring compliance with this requirement in the campaigns I have run.

12. For example, in the Smoke-Less Amendment campaign, the initiative petition we circulated included, at page 2, the following bold-faced disclosure which was presented immediately above the signature lines for the electors:

NOTICE

\*  
\*  
\*

In consideration for services in soliciting signatures to this petition, the solicitor has received or expects to receive \$ \_\_\_\_\_ from \_\_\_\_\_ whose address is \_\_\_\_\_.

Before any elector signs the part-petitions, the solicitor shall completely fill in the above blanks if the solicitor has received or will receive any consideration, and if the solicitor has not received and will not receive any consideration, the solicitor shall insert nothing.

13. In the 2006 campaign, each of the circulators completed this disclosure prior to seeking signatures from electors. The initiative petition also included disclosure, on the last page of the petition, of the name and address of the person employing the circulator, as well as the name and address of the person funding the petition effort. A true and accurate copy of the Smoke-Less Amendment Initiative Petition is attached as Exhibit A.

14. Similarly, the petition we used in the 2009 Casino Initiative not only expressly disclosed the name and address of the employer of the circulator but also voluntarily disclosed the identity of the funding source for the petition effort:

I am employed to circulate this petition by [name and address of company employing petition circulator] with funding provided through the Ohio Jobs and Growth Committee (865 Macon Alley, Columbus, OH 43206).

A true and accurate copy of the Casino Initiative petition is attached as Exhibit B.

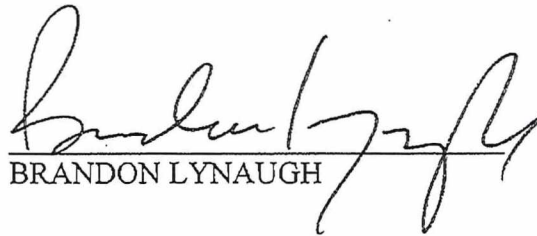
15. Although the form of petition we used in both the Smoke-Less Amendment and Casino Initiative campaigns not only disclosed the identity and address of the person employing the paid circulator as required by R.C. 3501.38(E)(1), but also voluntarily disclosed the ultimate source of funding of the petition effort as well, we successfully collected approximately

1,500,000 elector signatures (nearly all of which were collected by paid circulators) without any difficulty attributable to these disclosures.

16. Based on my personal observation and experience, the paid circulators' disclosure of the name and address of the person employing the circulator did not impair or hinder our campaigns' ability to hire or retain circulators. These disclosures did not result in harassment or retribution against any paid circulator, those employing them, or the ultimate source of our funding. These disclosures also did not impair or hinder our ability to collect signatures from electors.

17. The disclosure required by R.C. 3501.38(E)(1) of the identity and address of the person employing the paid circulator is a simple and easy disclosure that has never proved to be an impediment to our petition efforts. We always say, "when in doubt, fill it out," and have never found any difficulty complying.


Further Affiant sayeth naught.

  
BRANDON LYNAUGH

Sworn to before me and subscribed in my presence this 19<sup>th</sup> day of March, 2014.



Linda S. Hays  
Notary Public, State of Ohio  
My Commission Expires 08-24-2014

  
Notary Public